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9 Attorneys for Plaintiffs
10 ANDREW SHALABY and SONIA DUNN-RUIZ

11 UNITED STATES DISTRICT COURT

12 SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO

13 ANDREW SHALABY and SONIA DUNN-
14 RUIZ,

15 Plaintiffs,

16 vs.

17 IRWIN INDUSTRIAL TOOL COMPANY
18 INC., THE HOME DEPOT, INC., and DOES 2
19 through 100, inclusive

20 Defendants.

Case No.: 07-CV-2107 W (BLM)

**STIPULATION AND JOINT EX PARTE
MOTION TO EXTEND EXPERT
DISCOVERY CUTOFF AND MOTION
DEADLINE**

21 AND RELATED THIRD PARTY CLAIMS

STIPULATION AND JOINT EX PARTE APPLICATION

22 Plaintiffs ANDREW SHALABY and SONIA DUNN-RUIZ, and defendants IRWIN
23 INDUSTRIAL TOOL COMPANY, INC., and THE HOME DEPOT, INC., third-party plaintiff
24 BERNZOMATIC, and third-party defendants WESTERN INDUSTRIES, INC. and
25 WORTHINGTON INDUSTRIES (collectively, "the Parties"), hereby stipulate and agree as
26 follows, and move the Court *ex parte* for an order continuing the existing expert witness
27 discovery cutoff in this matter to September 30, 2008.

28 1. The parties enter into this stipulation and jointly move the Court to continue the
current expert witness discovery cutoff of September 5, 2008.

2. This case was initially assigned to Magistrate Judge Louisa S. Porter, and a
Mandatory Settlement Conference was scheduled for July 21, 2008. Judge Porter subsequently

1 recused herself, and on July 14, 2008, this case was transferred to Magistrate Judge Barbara L.
2 Major. As part of that transfer, the Mandatory Settlement Conference scheduled for July 21,
3 2008 was vacated, and was continued to September 3, 2008 before Judge Major.

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5 3. The parties subsequently stipulated and filed an ex parte application to continue
6 the Mandatory Settlement Conference to October 14, 2008, to allow the parties to go through
7 with the previously scheduled depositions of some of defendants' expert witnesses in Boston,
8 Massachusetts on September 3, 2008.

9 4. The parties are working diligently to schedule and coordinate the depositions of
10 the remaining experts in this matter, but as of the date of this ex parte application, some of the
11 expert witness depositions have not been scheduled, and the parties are having difficulty
12 coordinating the schedules of counsel and the experts themselves so that the expert witness
13 depositions will all be completed by the current expert witness discovery cutoff of September 5,
14 2008.

15 5. Accordingly, the parties, by and through their respective counsel, hereby
16 respectfully stipulate and request that the expert witness discovery cutoff be continued from to
17 September 30, 2008.

18 6. The parties also request that the existing September 12, 2008 court ordered
19 deadline to file motions of any kind, other than motions in limine or motions to amend the
20 pleadings, be continued to October 10, 2008.

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22 Dated: August 18, 2008

ALBORG VEILUVA & EPSTEIN

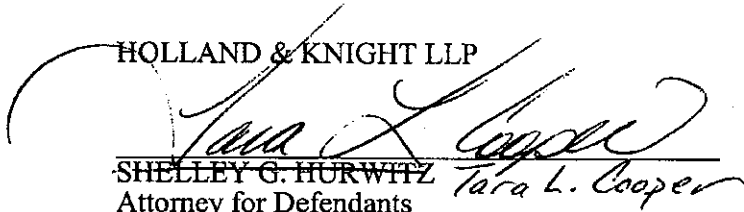
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25 MARK D. EPSTEIN
Attorney for Plaintiffs

26 ANDREW SHALABY and SONIA DUNN-RUIZ

1 Dated: August 17, 2008

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Attorney for Defendants

IRWIN INDUSTRIAL TOOL COMPANY, INC.
and THE HOME DEPOT, INC. and Third-Party
Plaintiff BERNZOMATIC

6 Dated: August __, 2008

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9 RICHARD ERGO

Attorney for Third-Party Defendants
WORTHINGTON INDUSTRIES

11 Dated: August __, 2008

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1 Dated: August __, 2008

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9 Dated: August 15, 2008

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14 Dated: August __, 2008

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5 Plaintiff BERNZOMATIC

6 Dated: August __, 2008

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11 Dated: August 13 2008

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